

chapter 16

Industrial and Hazardous Waste



Industrial and Hazardous Waste

Program Assistance

- Air Regulations** - For questions on air regulations, compliance inspections, or enforcement actions, contact your Region Office Air Program Manager (refer to Chapter 1).
- Closures or Contamination** - For information concerning a facility or piece of property in your county with soils or groundwater which may be contaminated with industrial solid waste or hazardous waste, call the TNRCC Region Office nearest to you (refer to Chapter 1). Local government questions on a contaminated site can be answered by Closures at 512/239-2343.
- Electronic Reporting** - For information on how to send waste management data electronically, call State of Texas Environmental Electronic Reporting Systems (STEERS) at 512/239-6925.
- Emergency Spills** - For 24-hour assistance with spills, call the Environmental Emergency Hotline at 800/832-8224.
- Enforcement Issues** - For questions concerning a facility under enforcement, or if an inspection has resulted in your own site being cited for violations, call your TNRCC Region Office (refer to Chapter 1).
- Federal Facilities** - For environmental information on military installations in your area, call Federal Facilities at 512/239-2343.
- Notification Requirements/Registrations** - For questions on who needs to register or to make changes to a Notice of Registration (NOR), call Data Control at 512/239-6832.
- Permitting** - For members of the regulated community (unlikely to be a local government) required to have a permit for management of industrial and hazardous waste, call Permits at 512/239-6595.
- Reporting Requirements** - For questions on who must file reports and how often, including waste receiver reports, annual reports, waste shipper reports, manifests, one-time shipments of waste and fee disputes regarding waste quantity, call Waste Report Audit at 512/239-6832.
- Rules** - For copies of any of the regulations pertaining to industrial and hazardous waste, call Public Outreach at 512/239-6087 or access the TNRCC OnLine Bulletin Board (see Chapter 2).
- Special Wastes Disposal** - For questions on medical waste, industrial disposal in municipal landfills, commercial municipal waste disposal plans, and maquiladora wastes, call Special Waste at 512/239-6832.
- Underground Injection** - Questions concerning underground injection wells in your area should first be directed to the TNRCC Region Office nearest the facility. If a question cannot be answered by the Region staff, they will direct your call to the appropriate personnel in Underground Injection at 512/239-6065.
- Waste Analysis** - For assistance with industrial or hazardous waste classification, requests for exclusions and variances, waste sampling plans, waste analysis plans, and fee disputes on waste classification status, call Waste Analysis at 512/239-6832.

Federal and State Authority

Federal

The Resource Conservation and Recovery Act (RCRA) mandated a national regulatory system to control hazardous waste from “cradle to grave”. EPA is responsible for oversight of the RCRA hazardous waste program and retains authority to issue or deny permits, and to pursue its own enforcement initiatives.

State

TNRCC is authorized to manage the major elements of the RCRA hazardous waste program, including all permitting and enforcement. TNRCC also has autonomy over the management of non-hazardous industrial solid waste.

Program Requirements

TNRCC strongly encourages anyone planning an activity that may require a permit or registration to discuss it with TNRCC staff well in advance of applying for an actual permit or registration. This will prevent unnecessary difficulties with processing applications or amendments as the project develops and allow TNRCC staff to provide technical assistance as needed. Contact the Local Government Assistance Office (800/687-9222 or 512/239-5300) for help.

Waste Generator Definitions

Local governments traditionally fall into one of the following categories.

Solid Waste Generator (SWG) - Facility generates non-hazardous waste only.

Conditionally Exempt Small Quantity Generator (CESQG) - Facility generates no more than 100 kilograms (kg) of hazardous waste and no more than 1 kg of acutely hazardous waste in any calendar month.

Small Quantity Generator (SQG) -

Facility generates between 100 and 1,000 kg of hazardous waste and no more than 1 kg of acutely hazardous waste in any calendar month.

Large Quantity Generator (LQG) -

Facility generates 1,000 kg or more of hazardous waste, or more than 1 kg of acutely hazardous waste in any calendar month.

There are some instances where a local government could own a facility which generates industrial waste - for example, a facility generating electricity. If you are unsure which generator category your facility falls under and need additional assistance, contact the Waste Evaluation Section at 512/239-6832.

Permits and Notifications

Permits

A general description of the permit process is provided in Chapter 3. Listed below is the information necessary to determine if your facility does not have to obtain a permit (30 TAC Chapter 335.2). It would be unusual for a local government to obtain an industrial or hazardous waste permit. This information is provided primarily for information only. If you are still uncertain as to whether your facility should obtain a permit after reading the list, call the Industrial and Hazardous Waste Permits Section at 512/239-6595.

Permits are not required for:

- ▼ The generation, treatment, storage or disposal of non-hazardous industrial waste, unless that waste is received at an off-site commercial facility;
- ▼ Generators who store hazardous waste in tanks and containers for less than 90 days;
- ▼ Facilities which treat their own waste on-site in units which are directly connected to an industrial production process, i.e. totally enclosed;
- ▼ Wastewater treatment units which meet the definition of a tank and are part of a wastewater treatment facility which has a point source wastewater discharge permit;
- ▼ Transporters that operate a transfer facility where hazardous waste is stored in containers for longer than 10 days or where waste is stored in tanks;
- ▼ Elementary neutralization units which meet the definition of a tank or container and

which are used only for neutralizing waste that exhibits the characteristic of corrosivity;

- ▼ Publicly-owned treatment works;
- ▼ Certain recycling operations; and
- ▼ CESQGs and SQGs may accumulate up to 6,000 kg of hazardous waste on-site for 180 days without a permit.

Storing Versus Accumulating Waste

SQGs that treat, store, or dispose of hazardous waste on-site are required to obtain a hazardous waste operating permit [30 TAC 335.2(a)(d)].

A permit is not required for a SQG that accumulates hazardous waste on-site for 180 days, provided the SQG meets the requirements of 30 TAC 335.69(a). These requirements include:

Labeling Containers - The SQG marks the containers with the words “Hazardous Waste” and the accumulation start date [30 TAC 335.69(f)(4)].

Management of Containers - The container is in good condition and compatible with the waste stored in the container. The containers are kept closed and inspections are conducted on a weekly basis to check for leaks [30 TAC 335.69(f)(2)].

Management of Tanks - Waste that is incompatible with the tank is not stored in the tank. Uncovered tanks have at least 2 feet of freeboard or an adequate containment structure to control the release of at least the volume of the top two feet in the tank. Continuously fed tanks must have a feed cut-off and tanks need to be inspected daily [30 TAC 335.69(f)(3) and 40 CFR 265.201 (c)].

Personnel Training - All employees are trained in the proper handling of hazardous waste and emergency response procedures [30 TAC 335.69(f)(5)].

Emergency Procedures Plan - SQG must designate an emergency coordinator who will be available at all times to coordinate emergency response as described in 40 CFR 262.34(d)(5)(iv).

Quantity below 6,000 Kg - SQG must not exceed the limit of 6,000 kg of hazardous waste stored on-site at any one time.

There are a few exceptions to the 180-day accumulation time period. SQGs may accumulate waste for 270 days without a permit if the waste is

being transported to an off-site treatment, storage, or disposal facility located over 200 miles from the generation site [30 TAC 335.69(g)]. TNRCC may also grant 30 day extensions to the 180 or 270 day time period on a case-by-case basis.

Notifications

You do not have to notify TNRCC of your waste generation if you generate municipal, non-hazardous waste only, or if your facility is a municipal CESQG. All other generators must notify the Agency of their waste generation (30 TAC Chapter 335.6). To notify TNRCC and receive a registration form, or to make corrections to an existing registration, simply contact the Waste Evaluation Section at 512/239-6832 and follow the instructions given on the voice mail system.

If your facility generates more than 100 kg of hazardous waste in a calendar month, you must also obtain an EPA Identification Number. The form to obtain an EPA Identification Number may also be requested by calling 512/239-6832.

Other Requirements

Waste Classification

All generators of waste in Texas must classify their waste in accordance with the requirements of 30 TAC Subchapter R. Since waste classification can be somewhat complex, the generator should request a copy of “Guidelines for the Classification and Coding of Industrial Wastes and Hazardous Wastes” (RG-22) from Publications at 512/239-0028, or contact Waste Evaluation at 512/239-6832.

Hazardous Waste Shipping Manifest

TNRCC and EPA require that all transportation of hazardous waste be recorded. A generator who transports or contracts to ship hazardous waste must use a uniform hazardous waste manifest (30 TAC Chapter 335.10). The TNRCC also requires SQGs to use a manifest when shipping Class I non-hazardous waste to an off-site waste management facility. If you have questions on how to fill out a manifest or whether a manifest is required, contact Waste Evaluation at 512/239-6832.

Land Disposal Restriction Notification

SQGs are required under 40 CFR 268.7 to test and determine if the waste is restricted from land disposal, and if the waste meets applicable treatment standards. A written notice must be attached to the manifest notifying the waste management facility of the treatment standards.

Air Regulations

In addition to the water program requirements noted above, an industrial or hazardous waste facility must also be evaluated for any impact on air quality. No action can legally result in a condition of nuisance smoke, odor, dust or aerosol, cause a traffic hazard, or contribute to a condition of air pollution. Nuisance and traffic conditions are referenced in 30 TAC Chapters 101.4 and 101.5.

There may also be specific air regulations that affect a hazardous waste permit or registration application. For more information on air requirements, contact the Air Program Manager at your TNRCC Region Office (refer to Chapter 1).

Reports

Information regarding recordkeeping and reporting requirements for generators, shippers, and treatment, storage and disposal facilities and transporters is found in 30 TAC Chapters 335.9, 335.10, 335.13, 335.14, and 335.15. Reporting requirements generally fall into the following categories:

Waste Shipment Summaries

Waste Shipment Summaries must be completed by registered generators for waste being shipped out-of-state. Unregistered generators, i.e., those using temporary TNRCC identification numbers, must prepare a summary for all waste shipped. If no shipments are made, no reports are required. The report is due on the 25th of the month following the month the shipment originated. This report is not required for those generators who generate non-hazardous waste only, or for municipal CESQGs.

Annual Waste Summaries

Annual Waste Summaries must be completed by registered generators. The summary is due on January 25 for the previous year's data.

The summary includes all hazardous waste and Class I industrial waste shipped off-site for treatment, storage or disposal, or treated, stored, or disposed on-site (except Class I nonhazardous waste being recycled). This report is not required for generators of non-hazardous waste only, or for municipal CESQGs.

Source Reduction and Waste Minimization Facility Plans and Annual Reports (30 TAC Subchapter Q)

Hazardous waste generators and Toxic Release Inventory (TRI) reporters are required by State law to prepare confidential source reduction and waste minimization plans to encourage the integration of pollution prevention into facility operations. These plans are kept at the facility and are not submitted to the TNRCC. However, these facilities are also required to submit an annual report and a current executive summary of the source reduction and waste minimization plan to TNRCC. Generators of non-hazardous waste only and CESQGs who do not report under TRI are not required to prepare these plans. Since these plans are phased-in dependent upon the amount of waste generated, contact the Pollution Prevention Division at 512/239-3100 to determine if a plan or annual report should be prepared.

Fees

TNRCC is authorized to assess several fees under the Texas Health and Safety Code (THSC) Chapter 361 for Class I industrial solid waste or hazardous waste, including: Waste Generation Fees, Permit Application Fees, Facility Fees, Hazardous Waste Management Fees, and Toxic Chemical Release Reporting Fees.

The complete rules governing all waste fees to be paid by waste generators and treatment, storage and disposal facilities are located under 30 TAC Chapters 335.321 - 335.332 (Subchapter J). However, since most local government facilities fall into the CESQG category, SQG or LQG storing waste for less than 90 days, it would be unusual for a facility to pay any fee other than the waste generation fee.

Generation Fee

If a facility generates Class I industrial non-hazardous waste or hazardous waste the facility is subject to a waste generation fee. To determine the amount that should be paid, the generator should identify the total amount of Class I industrial non-hazardous waste or hazardous waste generated during the previous calendar year. Generation fees are assessed according to the following schedule:

Hazardous Waste	Annual Fee
Less than 1 ton	No charge
From 1-50 tons	\$100
Greater than 50 tons	\$2 per ton

Non-hazardous Waste	Annual Fee
Less than 1 ton	No charge
From 1-100 tons	\$50
Greater than 100 tons	\$.50 per ton

Inspections

A generic description of the inspection process is outlined in Chapter 3. For more detailed information on any aspect of the inspection process, contact the TNRCC Field Operations Division (512/239-0400) or your Region Office (refer to Chapter 1).

Types of Inspections

Compliance Evaluation - Determines the compliance status of hazardous and industrial solid waste handlers.

Complaint Investigation - Triggered by an allegation of noncompliance with applicable requirements.

Case Development - Conducted for the specific purpose of gathering data in support of an enforcement action.

Laboratory Audit - Determines if proper sample handling and analysis protocols are used.

Sampling - Conducted to collect solid waste, soil, surface water, and/or groundwater samples.

Closure - Determines if a waste management facility is closed according to an approved closure plan.

Comprehensive Monitoring Evaluation (CME) - Determines whether a groundwater monitoring system is adequately designed

and operated to detect releases and to define the rate and extent of contaminant migration from a RCRA-regulated unit.

Operation and Maintenance (O&M) - Determines how well the owner/operator maintains the groundwater monitoring system’s efficiency and operations.

Compliance Schedule Evaluation (CSE) - Scheduled inspections to determine compliance.

Review of Records

The inspector will examine all records, documents, plans, and reports that are required according to the type of facility that is being inspected.

The inspector will pay particular attention to:

- ▼ Shipping manifests;
- ▼ Analytical results of hazardous waste determination;
- ▼ Records of hazardous and industrial solid waste activities;
- ▼ Waste minimization;
- ▼ Annual waste summary and monthly shipping reports;
- ▼ Personnel training records;
- ▼ Contingency plans;
- ▼ Waste analysis plans; and
- ▼ Specific operating records.

Visual Inspection of Facility

A tour of the manufacturing, production, and processing areas gives the inspector a better understanding of how, where, and when wastes are generated. The inspector will inspect thoroughly areas where wastes are generated or managed. The inspection will not be limited to waste management areas, but will include other areas where products and/or materials are stored or handled.

The inspector will note the following:

- ▼ Types of wastes in storage;
- ▼ Wastes segregated according to compatibility and waste type;
- ▼ Types of storage facilities (i.e., drums, tanks, etc.);
- ▼ Integrity of containers, tanks, surface impoundments, etc.;

- ▼ Secondary containment;
- ▼ Emergency equipment and its maintenance;
- ▼ Any pretreatment prior to disposal;
- ▼ Any on-site treatment;
- ▼ Any on-site disposal activity;
- ▼ Significant leaks and spills;
- ▼ The inspector will determine the need for sampling and identifying sampling points; and
- ▼ Any other activities/conditions that the inspector deems important.

The inspector may want to take photographs to document any of the preceding conditions.

Enforcement

A general description of the enforcement process is outlined in Chapter 3. If air quality violations are involved, the process is mandated by State law and differs slightly. The violation is either resolved within 30 days from receipt of a notice of violation (NOV), or the matter is referred to Central Office for formal enforcement proceedings. You are advised to contact your Region Office immediately for information on handling violations or to request technical assistance.

Notice of Violation

If violations are discovered during an inspection, the inspector will send the facility a Notice of Violation (NOV) letter within approximately 30 days. If the violations are not serious, the letter will inform the facility of the violations which the inspector found during the inspection, the actions required to correct the violations and a timeframe to complete those actions. If the facility complies with the NOV, the enforcement process ends. Most industrial and hazardous waste violations cited against local governments are handled at the region office level.

Administrative Order

If the facility does not complete the requested actions or if the original violations are serious, then the matter will be referred to the Central Office in Austin, usually within 45 days of the date of inspection. In rare instances,

TNRCC may decide to pursue an administrative order against a local government. If this course of action is chosen by the Agency, you will be offered the opportunity to meet with the Agency to reach an agreed settlement of the matter.

Agenda

If an agreed administrative order has been reached with your facility, the matter will be set on a regularly scheduled Agency Agenda to present the terms of the order to the Commissioners for final determination. For more information on the Agenda process, refer to Chapter 3.

In Addition

Frequently Asked Questions

How can I determine whether the facility that I will be sending my waste to has a good environmental compliance record?

Contact the agency's Central Records Office at 512/239-2920 and request that specific enforcement information be provided for the facility you are interested in from the "Compliance Monitoring Enforcement Log". The entire log is rather large, but information can be sent to you for a particular facility.

How do I correct an error letter on my Monthly Waste Summary, Annual Waste Summary or Waste Shipment Summary Form?

If you received an error letter on any of these forms, contact the Waste Audit Team at 512/239-6832 for assistance.

How do I get a Biennial Report Form?

The Biennial Report Form is not used in Texas. Instead request an Annual Report Form which is available through the Waste Audit Team at 512/239-6832.

How can I expedite my one-time shipment?

One-time shipments are expedited only if one of the following criteria applies to your facility: 1) a threat to human health and the environment exists due to having the waste on-

site, 2) having the waste remain on-site creates a financial burden upon the facility which will result in bankruptcy or personnel layoffs, or 3) there is an order from TNRCC, another state agency, the federal government or a local governmental body such as a fire department requiring removal of the waste within a specified timeframe. One-time shipment requests are normally processed within approximately two weeks.

How do I classify my waste?

Since this can be a complex question, it is best to contact the Agency's Publications Section and request a copy of Publication No. RG-22 "Guidelines for Classification and Coding of Industrial and Hazardous Wastes". If you still have questions, contact the Waste Evaluation Section at 512/239-6832.

What should I do if I am concerned about waste mismanagement at a particular facility in my area?

Contact the TNRCC Region Office nearest the facility which concerns you. The Region Office personnel will assist you with questions about the facility and, depending on your request, follow up with an inspection or direct your call to the most appropriate Agency personnel.

If I've had a spill, should I report it to TNRCC?

You should report the following spills:

- 1.) Any amount of any substance spilled to water which has the potential to alter water quality;
- 2.) Any spill which has the potential to adversely affect human health or the environment if not removed;
- 3.) Any amount of any substance spilled to land which has the potential to impact groundwater, or
- 4.) Any amount of oil which produces a sheen on water.

Spills may be reported 24 hours a day to the Environmental Emergency Hotline at 800/832-8224, or you may contact your Region Office.

Other Assistance

Clean Industries 2000 is a program open to any company in Texas that agrees to reduce hazardous waste and/or toxic emissions to the environment by 50 percent by the year 2000. Member facilities must also maintain an internal

environmental management program, sponsor one or more community environmental projects, and establish a citizen communication program. For more information call 512/239-3100.

Permanent Pollution Prevention Program (P4) brings together industrial facilities, providing them with training and on-site technical assistance to identify opportunities for waste reduction. In addition, P4 helps facilities create a framework from which they can develop sustainable pollution prevention programs and identify and implement future reduction opportunities. For more information call 512/239-3100.

Site Assistance Visits by Pollution Prevention and Conservation staff provides on-site cost saving recommendations and non-regulatory environmental assistance to industrial facilities that are willing to act as a model for other industries. The program helps participating companies save money on raw materials and works with companies to lessen environmental regulatory burdens and to reduce hazardous waste and toxic emissions. For more information call 512/239-3100.

Supplemental Environmental Projects offer an alternative to traditional enforcement by allowing companies that qualify to fund a project providing environmental benefits beyond those required by rule or statute, in lieu of paying partial or full penalties. For more information call 512/239-3100.

The Office of Waste Exchange promotes the exchange of solid waste, recyclable or compostable materials and other secondary materials between generators, recyclers, composters, or people who reuse those materials. The Resource Exchange Network for Eliminating Waste (RENEW) in the Office of Waste Exchange matches wastes generated by industrial facilities with other facilities that can reuse or recycle the waste as feedstocks. For more information on either program call 512/239-3100.

Statewide List of Commercial Hazardous Waste Management Facilities

For a list of hazardous waste management facilities contact the TNRCC Central Records Office at 512/239-2920 and request the

“Commercial Hazardous and Solid Waste Management Facilities List”. TNRCC cannot recommend a particular facility to manage your waste and does not endorse any facility listed in this report.

Significant Laws and Regulations

The following is a brief summary of the federal and State laws and regulations relating to industrial solid waste and hazardous waste. Please refer to the official rules for specific questions regarding compliance and applicability. The TNRCC publication, “Regulatory Resource” (GI-32), contains detailed information about obtaining copies of the Agency’s rules (see Appendix 4). The TNRCC Rules are also accessible on the Agency bulletin board. Refer to OnLine Services in Chapter 2 for more information.

Federal Laws

Resource Conservation and Recovery Act Subtitle C

Identifies and lists regulated hazardous wastes.
Sets standards for generators and transporters of hazardous waste.

Sets standards for owners and operators of hazardous waste treatment, storage and disposal facilities.

Establishes requirements for hazardous waste facility permits.

Issues guidelines for authorizing state hazardous waste programs.

Safe Drinking Water Act

Governs the management of wastes in underground injection control (UIC) facilities.

Federal Regulations

40 CFR Parts 144 - 148

Governs the management of hazardous waste in UIC wells, including program requirements, standards for permitting and enforcement, and financial assurance requirements.

40 CFR Parts 260 - 272

Sets the standards for generation, transportation, treatment, storage, and disposal of hazardous wastes.

State Laws

Solid Waste Disposal Act, Texas Health and Safety Code Chapter 361

Grants TNRCC authority to regulate the generation, transportation, storage, processing and disposal of both industrial and municipal solid waste, as well as industrial and municipal hazardous waste.

Texas Water Code (TWC) Chapter 26 Subchapter D

Authorizes TNRCC to prevent discharges which may result in pollution to State waters.

TWC Chapter 27

Authorizes TNRCC to regulate the injection of hazardous and non-hazardous wastes into geologic formations.

Authorizes the Texas Railroad Commission to regulate the Injection of brine and saltwater from the production of oil and gas resources.

State Regulations

30 Texas Administrative Code (TAC) Chapter 305 - Permits

Sets the standards and requirements for applications and permits.

30 TAC Chapter 331 - Underground Injection Wells

Implements the provisions of the Injection Well Act.

Defines the standards applicable for owners and operators of underground injection wells.

30 TAC Chapter 335 - Industrial Solid and Hazardous Waste Management

▼ Defines the standards for hazardous waste generators and transporters; and treatment, storage or disposal facilities; and

▼ Non-hazardous industrial solid waste.